UNITED STATES PATENT AND TRADEMARK OFFICE

MN

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,560	02/08/2002	Matthew C. Burch	702.165	9891

38933 7590 05/18/2007

GARMIN LTD.
C/O GARMIN INTERNATIONAL, INC.
ATTN: Legal - IP
1200 EAST 151ST STREET
OLATHE, KS 66062

EXAMINER	
ORTIZ, BELIX M	

ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
05/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAILED

MAY 18 2007

Technology Center 2100

Application Number: 10/071,560
Filing Date: February 08, 2002
Appellant(s): BURCH, MATTHEW C.

David L. Terrell
Of
Garmin International, Inc

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 13, 2006 appealing from the Office action mailed June 2, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Ran (U.S. patent 6,317,686).

Ran discloses:

As to claim 1, Ran teaches a method, comprising:

specifying a desired first endpoint and a desired second endpoint for a desired track log (see abstract; figures 7A, 7B, 8, character 84 and 814; column 1, lines 31-41; column 1, lines 66-67; column 2, lines 1-9; column 22, lines 4-15; and column 22, lines 63-64);

assigning an actual first endpoint for the track log based on the desired first endpoint and a set of track log points, and an actual second endpoint for the track log based on the desired

second endpoint and the set of track log points (see column 22, lines 33-36 and column 22, lines 60-65); and

identifying the desired track log using the actual first endpoint, the actual second endpoint, and at least one track log point (see column 22, lines 22-36),

wherein at least one of the desired first endpoint and the desired second endpoint is capable of being specified by specifying a location (see column 17, lines 34-47 and column 22, lines 33-36).

As to claim 2, Ran teaches the method further comprising validating the desired first endpoint and the desired second endpoint (see column 19, lines 15-18).

As to claim 3, Ran teaches The method further comprising filtering track log points for the desired track log extending between the actual first endpoint and the actual second endpoint (see column 1, lines 36-41).

As to claim 4, Ran teaches wherein assigning an actual first endpoint for the track log based on the desired first endpoint and a set of track log points, and an actual second endpoint for the track log based on the desired second endpoint and the set of track log points (see figure 8, characters 84 and 813; figure 10A, characters 101 and 102; and figure 10B, characters 103 and 104) includes:

searching for a nearest track log point that is located closest to at least one of the desired first endpoint and the desired second endpoint that is capable of being specified by specifying a location (see figure 11, characters 118 and 1114);

identifying g a time associated with the nearest track log point (see column 1, lines 52-58); and

finding an index of the nearest track log point in a time range (see column 21, lines 40-47 and column 22, lines 1-3).

As to claim 5, Ran teaches The method further comprising selecting a method for specifying a location for at least one of the desired first endpoint and the desired second endpoint, wherein the selected method for specifying the location is capable of being used to specify the location for at least one of the desired first end point and the desired second endpoint (see column 22, lines 4-21 and column 22, lines 60-65).

As to claim 6, Ran teaches wherein selecting a method for specifying a location includes manually entering a location (see column 17, lines 34-47 and column 22, lines 4-9).

As to claim 7, Ran teaches wherein selecting a method for specifying a location includes specifying a location using a map feature (see column 17, lines 34-47).

As to claim 8, Ran teaches wherein selecting a method for specifying a location includes specifying a location using an address (see column 17, lines 34-47).

As to claim 9, Ran teaches wherein selecting a method for specifying a location includes specifying a location using a waypoint (see column 17, lines 34-47).

As to claim 10, Ran teaches a method for selecting a track log from a set of track log points (see figure 9), comprising:

selecting a method for specifying a time of at least one track log endpoint from a choice (see figure 9, character 96 where he teach "departure time choice or arrival time choice") among:

a method for specifying a location and extracting a time from the specified location (see figure 9, characters 91 and 96), and

at least one other method for specifying the time of at least one track log endpoint (see figure 10B, character 104 and figure 11);

specifying desired endpoints for a desired track log using one or more of the selected methods for specifying a time of at least one track log endpoint (see figure 9);

assigning actual endpoints for the track log based on a time for the desired endpoints and a set of track log points (see figure 8, character 814); and

identifying the desired track log using the actual endpoints and at least one track log point from the set of track log points (see figure 8).

As to claim 11, Ran teaches wherein at least one other method for specifying the time of at least one track log endpoint includes selecting a track log endpoint from a list of track log points that are associated with a time (see figure 9, characters 61 and 96 and column 22, lines 22-65).

As to claim 12, Ran teaches wherein at least one other method for specifying the time of at least one track log endpoint includes entering a time that is used to identify the at least one track log endpoint (see figure 6, characters 67, 610, and 611; figure 7B; and figure 9).

As to claim 13, Ran teaches The method of claim 10, wherein assigning actual endpoints for the track log based on a time for the desired endpoints and a set of track log points includes (see figure 8, characters 84 and 813; figure 10A, characters 101 and 102; and figure 10B, characters 103 and 104):

searching for a nearest track log point that is located closest to at least one of the desired endpoints (see figure 11, characters 118 and 1114);

identifying a time associated with the nearest track log point (see column 1, lines 52-58); and

finding an index of the nearest track log point in a time range (see column 21, lines 40-47 and column 22, lines 1-3).

As to claim 14, Ran teaches a computer-readable medium having computer-executable instructions (see column 17, lines 17-33) adapted to:

receive desired endpoints for a desired track log (see figure 1);

assign actual endpoints for the track log based on the desired endpoints and a set of track log points (see column 22, lines 33-36); and

identify the desired track log using the actual endpoints and at least one track log point (see column 22, lines 22-36),

wherein at least one of the desired endpoints is capable of being specified by location (see column 17, lines 34-47).

As to claim 15, Ran teaches wherein the at least one of the desired endpoints that is capable of being specified by location is capable of being specified by a time associated with the location (see figure 9, characters 61 and 96 and column 22, lines 22-65).

As to claim 16, Ran teaches wherein the at least one of the desired endpoints that is capable of being specified by location is capable of being specified using a manually-entered location (see column 17, lines 34-47 and column 22, lines 4-9).

As to claim 17, Ran teaches wherein the at least one of the desired endpoints that is capable of being specified by location is capable of being specified using a map feature (see column 17, lines 34-47).

As to claim 18, Ran teaches wherein the at least one of the desired endpoints that is capable of being specified by location is capable of being specified using an address (see column 17, lines 34-47).

As to claim 19, Ran teaches wherein the at least one of the desired endpoints that is capable of being specified by location is capable of being specified using a waypoint (see column 17, lines 34-47).

As to claim 20, Ran teaches wherein the computer-executable instructions are further adapted to validate the desired endpoints (see column 19, lines 15-18).

As to claim 21, Ran teaches wherein the computer-executable instructions adapted to identify the desired track log using the actual endpoints and at least one track log point include computer-readable instructions adapted to filter track log points for a path extending between the actual first endpoint and the actual second endpoint (see column 1, lines 66-67; column 2, lines 1-10; and column 17, lines 17-33).

As to claim 22, Ran teaches a navigational aid device (see figure 1, column 17, lines 17-34), comprising:

a processor (see figure 1, characters 1-3); and

a memory adapted to communicate to the processor (see figure 1, characters 1-3 and 5), wherein the memory includes a set of track log points (see figure 10B),

wherein the device is adapted to select a desired track log based on a first user-specified desired endpoint and a second user-specified desired endpoint (see column 17, lines 17-27), and

wherein at least one of the first and second user-specified endpoints is capable of being selected by a user-specified location (see column 22, lines 22-36).

As to claim 23, Ran teaches wherein the device includes a portable device (see figure 1, character 17).

As to claim 24, Ran teaches wherein the device includes a cellular device (see figure 1, character 14).

As to claim 25, Ran teaches wherein the device includes a Global Positioning System (GPS) receiver device (see column 22, lines 4-6).

As to claim 26, Ran teaches wherein the device includes a Personal Digital Assistant (PDA) (see figure 1, character 16).

As to claim 27, Ran teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by manually entering a location (see column 17, lines 17-34 and column 22, lines 4-9).

As to claim 28, Ran teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using a map feature (see column 17, lines 34-47).

As to claim 29, Ran teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using an address (see column 17, lines 34-47).

As to claim 30, Ran teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using a waypoint (see column 17, lines 34-47).

As to claim 31, Ran teaches a navigational aid device (see figure 1, column 17, lines 17-34), comprising:

a processor (see figure 1, characters 1-3); and

a memory adapted to communicate to the processor (see figure 1, characters 1-3 and 5), wherein the memory includes a set of track log points (see figure 10B),

wherein the device is adapted to:

determine a user-selected method for specifying a time of at least one track log endpoint from a choice among: a method for specifying a location and extracting a time from the specified location, and at least one other method for specifying the time of at least one track log end point (see figure 6, characters 67, 610, and 611; figure 7B; and figure 9, character 96 where he teach "departure time choice or arrival time choice");

receive user-specified desired endpoints for a desired track log using one or more of the methods for specifying a time of at least one track log endpoint (see figure 6, characters 67, 610, and 611; figure 7B; and figure 9);

assign actual endpoints for the track log based on a time for the desired endpoints and a set of track log points (see figure 8, character 814 and column 22, lines 33-36); and

identify the desired track log using the actual endpoints and at least one track log point from the set of track log points (see column 22, lines 22-36).

As to claim 32, Ran teaches wherein the navigational aid device includes a portable navigational aid device (see figure 1, character 17 and column 22, lines 4-6).

As to claim 33, Ran teaches wherein the navigational aid device includes a wireless communication device (see figure 1, character 4).

As to claim 34, Ran teaches wherein the navigational aid device includes a Global Positioning Receiver (GPS) device (see column 22, lines 4-6).

As to claim 35, Ran teaches wherein the navigational aid device includes a Personal Digital Assistant (PDA) (see figure 1, character 16).

As to claim 36, Ran teaches wherein:

the device is further adapted to display a list of track log points that are associated with a time (see figure 9, characters 61 and 96 and column 22, lines 22-65), and

the at least one other method for specifying the time of at least one track log endpoint includes selecting a track log endpoint from the list of track log points (see figure 9, characters 61 and 96 and column 22, lines 22-65).

As to claim 37, Ran teaches wherein:

the device is further adapted to display a data entry screen for entering a time (see figure 9, character 96 and column 22, lines 45-49); and

the at least one other method for specifying the time of at least one track log endpoint includes entering a time that is to be associated with the at least one track log endpoint (see column 22, lines 46-59).

As to claim 38, Ran teaches wherein the device is further adapted to:

search for a nearest track log point that is located closest to at least one of the desired endpoints that is specified by a location (see figure 11, characters 118 and 1114);

identify a time associated with the nearest track log point (see column 1, lines 52-58); and

find an index of the nearest track log point in a time range (see column 21, lines 40-47 and column 22, lines 1-3).

As to claim 39, Ran teaches a system, comprising:

a mass data storage adapted to store navigation data, including at least one set of travel log points (see abstract);

a server adapted to communicate with the mass data storage (see column 17, Lines 7-16); and

a navigational aid device adapted to communicate with the server via a communication channel, such that the navigational aid device is capable of storing information on and retrieving information from the mass data storage (see column 17, Lines 7-24);

wherein the device is adapted to be transported (see figure 1, character 17 and column 17, Lines 27-30),

wherein the system is adapted to:

receive desired endpoints for a desired track log (see figure 9);

assign actual endpoints for the track log based on the desired endpoints and a set of track log points (see figure 8, character 814); and

identify the desired track log using the actual endpoints and at least one track log point (see figure 8),

wherein at least one of the desired endpoints is capable of being specified by location (see figures 9, 10A, and 10B).

As to claim 40, Ran teaches wherein the communication channel includes a wireless channel (see figure 1, character 4).

As to claim 41, Ran teaches wherein the server includes a remote server (see figure 1, character 5).

As to claim 42, Ran teaches wherein the server includes a processor adapted to respond to a request from the navigational aid device by performing calculations on the navigation data and transmitting the results to the navigational aid device (see figure 1, characters 1-5, 7, 14, and 16-18 and column 1, lines 52-58).

As to claim 43, Ran teaches wherein the navigational aid device is adapted to communicate with and retrieve navigation data from the server using streaming data (see figure 1).

As to claim 44, Ran teaches wherein the navigational aid device is adapted to communicate with and retrieve navigation data from the server using cellular communication technology (see figure 1, character 14 and column 17, Lines 7-16).

As to claim 45, Ran teaches wherein:

the navigational aid device includes a processor in communication with a memory and a display (see figure 1, characters 1-5); and

the processor and the memory of the navigational aid device are adapted to cooperate to display the desired track log on the display (see figure 1, characters 1-5; figure 7B and column 24, Lines 38-56).

(10) Response to Argument

Firstly, Appellant argues that Ran fails to disclose track log.

In response, Examiner maintains that Ran teaches track log base on the definition of track log on the "Summary of claimed subject matter" on page 3, lines 1-6, (track log are historical data), and in view of the reference, Ran teaches "By comparing expected travel times based on traffic flow data with actual travel times for a particular individual, over time a coefficient could be developed, specific to that individual and even specific to various routes such as the route along which an individual typically commutes", (see Ran, column 6,lines 62-27).

"Therefore an improved prediction of travel time along a particular route for a particular individual can be achieved by applying vehicle and driver specific factor to historical or real-time data" (see Ran, column 7, lines 1-4).

"The final output also contains a summary of the historical statistics for the user, if the same route was used before. Therefore, the personalized traffic prediction information and alert may be pushed to the motorist based on user's preferred schedule or be received by the user whenever the user wants it", (see Ran, column 21, lines 62-67).

"The travel information systems are based on the availability of reliable computer-based maps and the availability of traffic data, available over the Internet, which are typically supplied by each state's Department of Transportation. Internet provided data includes real-time velocities and the number of vehicles per minute traveling selected roads. Over time such data can also supply historical travel times between selected points. Existing systems display maps which indicate road construction or other incidents and show or predict travel time along particular routes or between selected points ", (see Ran, column 1, lines 31-41).

Secondly, Appellant argues that Ran fails to disclose specifying a desired first endpoint and a desired second endpoint for a desired track log.

In response, Examiner maintains that Ran teaches, "FIG. 10 shows the user-input process and final output example of the address-based routing of the Internet-based personalized traffic prediction and trip decision support system. At the beginning, the user is asked to "Enter Starting Location" 101 and to "Enter Destination Location" 102 in address Format", (see Ran, column 22, lines 60-65).

Thirdly, Appellant argues that Ran fails to disclose assigning an actual first endpoint for the track log based on the desired first endpoint and a set of track log points, and an actual second endpoint for the track log based on the desired second endpoint and the set of track log points.

In response, Examiner maintains that Ran teaches, "The types of vehicles include car, van/mini bus, bus, and truck. Subsequently, the user is asked to identify the highway names, origin (from cross street), and destination (to cross street) in the menu "Select your Highway & Cross Streets" 94", (see Ran, column 22, lines 32-36).

"FIG. 10 shows the user-input process and final output example of the address-based routing of the Internet-based personalized traffic prediction and trip decision support system. At the beginning, the user is asked to "Enter Starting Location" 101 and to "Enter Destination Location" 102 in address Format", (see Ran, column 22, lines 60-65).

Fourthly, Appellant argues that Ran fails to disclose identifying the desired track log using the actual first endpoint, the actual second endpoint, and at least one track log point.

In response, Examiner maintains that Ran teaches, "FIG. 9 shows the user-input process and final output example of the text report of the Internet-based personalized traffic prediction and trip decision support system. At the beginning, the user is asked to input his/her state and city selection from the menu "Where do you want to go? Select a City/State" 91. Then, in the menu "Select your Highway Type" 92, the used is

asked to input the type of highway he/she will be driving on. The types of highway available include all roads, interstate highway, state highway, US highway, and other roads. The next

menu is "Select your Vehicle Type" 93. The types of vehicles include car, van/mini bus, bus, and truck. Subsequently, the user is asked to identify the highway names, origin (from cross street), and destination (to cross street) in the menu "Select your Highway & Cross Streets" 94", (see Ran, column 22, lines 22-36).

Fifthly, Appellant argues that Ran fails to disclose the method further comprising validating the desired first endpoint and the desired second endpoint.

In response, Examiner maintains that Ran teaches, "Moreover, one or a plurality of these traffic prediction models 8 are sometimes used simultaneously for an area in order to generate a set of traffic predictions which can be verified against each other", (see Ran, column 19, lines 15-18).

Sixthly, Appellant argues that Ran fails to disclose searching for a nearest track log point that is located closest to at least one of the desired first endpoint and the desired second endpoint that is capable of being specified by specifying a location.

In response, Examiner maintains that Ran teaches waypoint to visit and alternate destination between the first and second point see figure 11, characters 118 and 1114.

Lastly, Appellant argues that Ran fails to disclose identifying g a time associated with the nearest track log point.

In response, Examiner maintains that Ran teaches, "Internet provided data includes real-time velocities and the number of vehicles per minute traveling selected roads. Over time such

data can also supply historical travel times between selected points. Existing systems display maps which indicate road construction or other incidents and show or predict travel time along particular routes or between selected points", (see column 1, lines 36-41).

"In a typical travel information system, a road map is divided into route segments and historical and/or real-time sensor data is used to predict the time it will take a vehicle to travel along a particular route segment. Predictions of trip travel times are then based on linking together route segments to create routes along which it is desirable to calculate a travel time", (see column 1, lines 52-58).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Belix M Ortiz

Art Unit 2164

April 28, 2006

Conferees:

C. Rones

Charles Rones, SPE

CHARLES RONES
SUPERVISORY PATENT EXAMINER

Jeffrey A. Gaffin, SPE

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Garmin international, Inc.

1200East 151st Street

Olathe, KS 66062